



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-fourth session

#### Summary record of the 7th meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 May 2010, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

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*The meeting was called to order at 10.10 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)**

*Combined third and fourth periodic reports of Algeria (continued) (E/C.12/DZA/4; E/C.12/DZA/Q/4 and Add.1; HRI/CORE/1/Add.127)*

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*

2. **Mr. Jazaïry** (Algeria), responding to the question on the independence of the judiciary, said that public demonstrations by various groups in pursuit of social rights should not be seen as an indictment of the judicial system. Such demonstrations were seen in many democratic countries and were a sign that people were confident enough to exercise their freedom of expression.

3. **Ms. Driss** (Algeria) said that the Constitution contained a whole chapter on the independence of the judiciary, while the Judicial Code and various laws guaranteed the impartiality of judges and protected them from all forms of pressure.

4. Human rights training was provided for judges and other officials through the Judicial Training School, and further training abroad was also offered in cooperation with the United States of America and several European countries. The training programmes for court officials included modules on fundamental freedoms and human rights, including economic, social and cultural rights. In addition, a train-the-trainer programme on the rights of the child had been delivered by experts from the United Nations Children's Fund (UNICEF).

5. **Ms. Driss** (Algeria), responding to questions on equality between men and women, divorce and inheritance, pointed out that upon its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, Algeria had lodged reservations to articles 2 and 16, stating that the provisions of those articles should not contradict the provisions of the Algerian Family Code. The issues in question would all be discussed in the State party's periodic report to the Committee on the Elimination of Discrimination against Women.

6. **Mr. Jazaïry** (Algeria) said that Algeria was currently preparing that report, and could forward a copy to the Committee on Economic, Social and Cultural Rights once it was finalized.

7. **Ms. Kedad** (Algeria) said that over the past decade the Algerian Government had made a great effort to improve the status of women, taking a cross-sectoral, integrated approach that involved all ministerial departments. For example, in 2006 the National Council for the Family and Women had been established, and in 2007 and 2008 respectively the Council of Ministers had adopted national strategies to combat violence against women and to integrate women in development. In recent years the Government had set up a number of programmes to combat violence against women through coordinated action in all sectors, and implementation of those programmes had begun in 2009.

8. **Mr. Jazaïry** (Algeria) added that shelters had also been set up for abused women.

9. **Ms. Driss** (Algeria), in response to the question about the fight against corruption, said that Algeria had actively participated in drafting the United Nations Convention against Corruption and had been one of the first countries to ratify the Convention and to align its domestic legislation with it. Algeria also actively participated in all sessions of the

Conference of the States Parties to the United Nations Convention against Corruption. The fight against corruption had been a top priority for the Government since 1999, and programmes to prevent and combat corruption had been established for the periods 2004–2009 and 2009–2014. In Presidential Decree No. 3, dated 13 December 2009, the President of the Republic had called on the Government to take urgent action to strengthen the fight against corruption and had called for the national anti-corruption body set up in 2006 to begin work immediately. In response, the Prime Minister had issued detailed instructions to the members of the Government on the implementation of the decree in relation to public contracts.

10. Article 36 of Act No. 06-01 on the prevention of corruption imposed penalties for individuals who did not declare their assets or who made an incomplete or false declaration of their assets. No statistics were available on the number of persons convicted of corruption, but high-ranking officials and managers in the public and private sectors had been charged with corruption and the public was made aware of such cases through newspaper reports.

11. **Ms. Hendel** (Algeria), responding to the question about the state of emergency in place since 1992, said that the state of emergency had never been intended to prevent the enjoyment of human rights, but rather to protect people's right to life and fundamental freedoms in the context of the terrorism that had been widespread in the 1990s. Most measures related to the state of emergency had been phased out, such as the curfew and the special courts for terrorist offences. The only vestige of the state of emergency measures still in place was that the Ministry of the Interior could requisition the army, if necessary, to maintain law and order. Terrorism was still a threat to the country, and the rapid joint intervention of the security forces and the police was needed to protect the rights of Algerian citizens from that threat.

12. **Mr. Bencherif** (Algeria) said that, ever since its independence, Algeria had pursued a development policy aimed at remedying gaps in development and eliminating the regional disparities that were vestiges of the country's colonial past. A whole series of measures had been implemented to develop the poorer regions of the South and High Plateaux. For example, 3 per cent of tax revenues from oil were channelled into a special development fund to support those regions. Tax incentives had been created for employers to recruit workers from the south. Solar energy had been used to bring electrification to southern villages. Many projects were also being carried out to provide housing and drinking water and to support agricultural development in rural areas, and measures were being implemented to provide vocational training and promote employment, particularly for young people. Four flourishing university centres were located in the south, which, in addition to educating local people, granted scholarships to many students from sub-Saharan Africa.

13. **Mr. Jazaïry** (Algeria) said that the International Covenant on Economic, Social and Cultural Rights had never been invoked in a court ruling in Algeria. The explanation for that was that significant progress had been achieved in aligning domestic legislation with the Covenant, so the courts were able to find a basis for their rulings in domestic legislation. However, article 11 of the International Covenant on Civil and Political Rights had been invoked by the Supreme Court in 2003, and domestic legislation had subsequently been amended to bring it into line with that article.

14. In response to the question on why Algeria had not yet ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, he said that, considering Algeria's level of development, the Government already put a great effort and resources into the preparation of periodic reports and replies for many different treaty bodies, and it did not have the capacity to take on more obligations of that kind.

15. **The Chairperson** took note of the delegation's promise to provide further written information on various issues to the Committee. As there were no further questions regarding articles 1 to 5 of the Covenant, he invited Committee members to ask questions on articles 6 to 9.

16. **Mr. Abdel-Moneim** expressed his satisfaction that a national employment agency had been established in the State party and noted the significant progress made in lowering unemployment between 2004 and 2006. He asked what measures the Government envisaged to maintain that progress and to achieve the goal of creating 3 million jobs between 2010 and 2014.

17. Article 2 of the Covenant stipulated that States parties undertook to take steps, individually and through international assistance and cooperation, especially economic and technical, to realize the rights recognized in the Covenant. That article was closely linked to article 6, paragraph 2, which referred to policies and techniques to achieve steady economic development. He asked to what extent attention was paid to the fulfilment of those provisions of the Covenant in Algeria's negotiations with trade partners and donors, including international financial institutions.

18. **Mr. Schrijver** said that in its written replies to question 21 on the Committee's list of issues (E/C.12/DZA/Q/4/Add.1), the State party had described measures to move workers out of the informal economy. Those measures seemed quite repressive. He asked what measures were being taken to create jobs in order to facilitate the move away from the informal economy, thus enabling workers to enjoy their rights under articles 6 to 9 of the Covenant.

19. **Ms. Bras Gomes** said that, according to the statistics presented by the State party, youth unemployment remained very high in Algeria. She wished to know whether there had been any assessment of the results achieved by measures to provide professional training for young people, and in particular whether that training had enabled them to access the labour market, improve their working skills and earn more than the minimum wage.

20. Regarding the informal economy, she noted that in its replies to the list of issues, the State party reported 16,031 recorded cases of employees not having been declared for social security purposes. She asked how the authorities responded in such cases. In reply to question 26 on the list of issues, the State party had provided information on the number of applications for unemployment benefits that had been approved and the number of unemployment benefits paid. According to the figures, benefits had not been paid to around 3,000 of those applicants. She asked what type of protection they were entitled to, and why the benefits had not been granted when their applications had been approved. She wondered whether the qualifying period of three years' accumulated contributions for unemployment insurance was not too long, and asked what support was extended to persons who became unemployed before they had accrued sufficient contributions to benefit from the insurance scheme. Given that unemployment benefit was granted for a maximum of three years, she wondered what support was given to anyone who was unemployed for a longer period. She also wished to know whether the State party intended to ratify the International Labour Organization (ILO) Convention concerning Minimum Standards of Social Security (No. 102), and if not, why not.

21. **Ms. Bonoan-Dandan** said the Committee understood that trade unions had faced a number of difficulties since the state of emergency had been declared in Algeria. She asked what measures the State party had taken to remove obstacles to the establishment of new and independent trade unions, and what the registration procedures for new trade unions were. She also asked what measures were being taken to raise workers' awareness of their rights under the Covenant.

22. **Mr. Sadi** noted that, in the period 1991–2006, 12 tripartite meetings involving the Government, employers and unions had been held to determine, among other things, the minimum wage. He asked whether regular meetings to review the minimum wage had continued since that time. Although the minimum wage had recently been increased, he wondered whether the new rate was sufficient for workers and their families to enjoy a decent standard of living, given that a number of strikes had taken place in 2008 in protest against it. He asked whether the number of economic migrants leaving Algeria might indicate that the minimum wage was not proportionate to the cost of living. He was curious to know why there had been a significant drop in the rate of participation in strikes over the past 10 years.

23. **Mr. Tirado Mejía** asked whether the authorities would be informed that a strike had been organized, and whether prior consent was required to conduct a strike. He asked how many functioning trade unions existed in Algeria, and what procedures were in place to ensure that trade unions were granted formal recognition.

24. **Ms. Kies** (Algeria) said that the minimum wage continued to be reviewed periodically and had been increased at the beginning of 2010. The minimum wage was not indicative of average earnings in the formal economy in Algeria, which were, in reality, almost double the minimum wage, but rather it was used as a reference for calculating pensions. According to recent statistics, there were approximately 1 million people involved in informal economic activities. That figure, however, included persons working from home, who were in fact no longer considered to be informal workers. Those workers were predominantly women. They must be declared by their employer, and were entitled to social security, paid leave and protection against occupational risk.

25. Turning to the questions on trade union rights, she said that there were 58 workers' organizations registered in Algeria, and 23 employers' organizations. In order to establish a trade union, an application for registration must be submitted to the relevant local authority. Applications were examined to establish whether the organization's statutes contained any discriminatory provisions, or whether they contravened the law. That examination process could take up to 30 days. When the application was approved, the trade union would be registered. In the event that an element of the registration procedure was incomplete, the organization would be asked to provide the relevant additional information, and on doing so would be registered.

26. On unemployment insurance, she said that the national unemployment insurance fund guaranteed a minimum of three years' benefit for unemployed workers. In the event that they remained unemployed for more than three years, efforts were made to find employment for them or to help them establish their own business. The unemployment insurance fund could only be drawn on by workers in long-term employment who had been contributing to it consistently for a minimum period of three years. Workers employed on short-term contracts were therefore not eligible for that type of unemployment benefit.

27. **Mr. Tilmantine** (Algeria) said that although the statistics indicated that 70 per cent of persons under the age of 30 were unemployed, that figure included students who had completed secondary education and were undergoing vocational training, as well as graduates who were receiving professional training or were participating in distance-learning programmes. On local initiatives to promote youth employment, he said that graduate employment schemes were in place, as well as internships paid for by the State. An initiative was also under way to encourage young entrepreneurs aged between 18 and 35 to establish microenterprises, through credit provided by banks. A microcredit scheme was being run in remote rural areas, to encourage families to begin small businesses and become independent of State aid. The majority of beneficiaries of such microcredit were women. A system of "pre-employment contracts" had been established which brought together young graduates with similar or complementary skills to create small businesses.

Another employment scheme involved the recruitment of young people to clean Algeria's beaches and manage park and forest areas. Direct aid was provided for unqualified, unemployed people, who received a small amount of remuneration for doing community service jobs.

28. **Mr. Jazaïry** (Algeria) said that it had proved difficult to create jobs and keep workers in sectors other than the highly-developed oil sector in Algeria. To combat that trend, the Government was trying to diversify national production and encourage the private sector to invest in other areas. It had launched several job-creation programmes, but they had not proved successful to date. The Government had therefore decided to address the employment problem by encouraging international trade; it had signed an association agreement with the European Union, and free trade agreements with several Arab countries. Negotiations on accession to the World Trade Organization were ongoing. However, Algeria was currently importing goods of the same value as its exports. The association agreement had created employment in Europe, but not in Algeria, and the massive foreign capital investment that had been promised had not materialized owing to the global economic crisis. The Government had therefore opted to develop infrastructure for training and mobility and to encourage other investments in the hope of ultimately creating an environment that would foster a competitive national private sector.

29. The only provision of the most recent state of emergency that was still in place was the right of the Ministry of the Interior to call on the Armed Forces to provide backup for the police in the case of terrorist attacks in some areas of the country. The impact of that provision on the enjoyment of economic, cultural and social rights was therefore positive, in that people living in the remote areas where terrorism had previously been a problem currently enjoyed a higher level of security. They were therefore able to live and work in a secure environment and those who had been forced to flee their homes could return and get on with their lives in peace.

30. **Ms. Kies** (Algeria) said that the state of emergency had not had a negative impact on the right to organize, as proved by the statistics on the number of strikes during the reporting period. From 1991 to 1996 there had been very few strikes, owing to the need to work in order to survive in the terrorist era. As of 1998, the number of strikes had increased significantly. In 2009, there had been six general strikes involving over 28,000 workers demanding wage increases.

31. **Mr. Tirado Mejía** asked how the State party ensured that the families of disappeared persons received the relevant social security benefits even when it was impossible to prove that the disappeared person had died.

32. **Ms. Bonoan-Dandan** said that she would appreciate some clarification on the difficulties encountered in forming and registering trade unions in the State party, as reported in the summary of stakeholders' submissions to the universal periodic review of Algeria (A/HRC/WG.6/1/DZA/3). She asked what measures the State party was taking to raise awareness among employees and other rights-holders about their rights under the various human rights instruments to which Algeria was a party.

33. **Mr. Jazaïry** (Algeria) said that the information provided by stakeholders had not been validated by the Office of the United Nations High Commissioner for Human Rights, and his Government could not be held accountable for it. As for raising rights-holders' awareness of their human rights, the primary school curriculum included an introduction to civil and political rights, and the National Consultative Commission on the Promotion and the Protection of Human Rights had published and distributed copies of the Universal Declaration of Human Rights in Arabic, French and Amazigh.

34. The courts had handed down decisions recognizing the status of disappeared persons, including those whose bodies had not been found or identified. The court decisions

entitled the victims' families to compensation to meet their needs. The Government was working closely with the United Nations Committee on Enforced Disappearances on that issue.

35. **Ms. Bras Gomes** requested additional clarification on what happened to people who could not find another job when their entitlement to unemployment benefit ran out. Did they receive any other form of benefit?

36. **Ms. Kies** (Algeria) said that people in that situation did not receive any other benefit. The National Employment Agency helped them to find appropriate positions and provided assistance with administrative formalities.

37. **Mr. Abdel-Moneim**, referring to paragraph 240 of the periodic report, asked how the State party planned to maintain the steady rise in the standard of living. He also asked whether the price support measures mentioned in paragraph 248 (b) were fixed or flexible. If they were flexible, he wished to know whether they were linked to the consumer price index. He would appreciate the delegation's comments on how the introduction of a flexible or fixed consumer price index would affect the State party's negotiations with international financial institutions.

38. **Mr. Pillay** commended the State party on having halved the rate of extreme poverty, but reiterated the Committee's request for recent statistics on the incidence of poverty, disaggregated according to sex, age group, minorities and urban and rural areas. In the light of a UNDP report indicating a clear linkage between drinking water and poverty, and given that 15 per cent of the State party's population did not have access to drinking water, he wondered how it was possible that only 0.6 per cent of the population appeared to be living on less than one purchasing-power-parity dollar per day. It would be useful to know if the State party's poverty reduction strategy fully integrated economic, social and cultural rights, in line with the Committee's 2001 statement on poverty (E/C.12/2001/10).

39. He asked whether a national housing strategy had been adopted and implemented in the State party to address the acute shortage of decent housing. If so, it would be useful to know whether it addressed the situation of people living in precarious conditions, such as slums, by promoting their security of tenure and protecting them from forced eviction. He asked about the accuracy of reports that there was corruption in the allocation of scarce social housing units. The Committee wished to know whether there was any legislation or regulation in place governing forced evictions and, if so, whether it conformed to the guidelines in the Committee's general comment No. 7. He wished to know whether individuals who were forcibly evicted were given alternative accommodation or compensation. Lastly, he asked to what extent homelessness was a problem in the State party and whether there were any policies in place on homelessness, given the acute housing shortage and the high number of people living in slums and slum-like conditions.

40. **Mr. Riedel** asked what practical steps had been taken to provide psychological and psychiatric rehabilitation treatment for victims of violence suffered in the internal conflict of the past decade. He then asked what had been done to improve specialist health-care services, including in the areas of mental health, women's health and services for older people. In that context, he asked whether there were any plans to improve the wages of hospital staff, which were said to be unduly low, and to ensure that the health-care training provided to them was adequate. Detailed answers should be given. Algeria's report for the universal periodic review in March 2008 (A/HRC/WG.6/1/DZA/1) stated (paras. 43–45) that the Ministry of Justice was taking measures aimed at humanizing the conditions of detention. It also stated that medical facilities had been "upgraded". Again, specific details were required: how many doctors and other staff had been appointed? All the Committee's questions required figures and comparative statistics, otherwise there was no means of

assessing the situation. He commended the Government's action on improving the situation of water supplies in Algeria. Again, however, further details were needed.

41. **Mr. Sadi** said that, in view of the Government's intention to eliminate polygamy, it might be useful to look at the example of Tunisia, which had introduced stricter rules in that regard. On the subject of divorce, he asked whether the grounds for divorce available to women were more restrictive than those available to men. Grounds other than irreconcilable difficulties should be available to them. With regard to the minimum age of marriage, he asked whether there had been any new development in the country's policy of treating girls as children until they were 18 and therefore not allowing them to marry. He wondered whether it was true that there was no law against domestic violence or corporal punishment in the home. He understood that such violence might be covered by the Criminal Code, but specific laws were needed on corporal punishment and domestic violence. He also wondered whether the Government ran campaigns on such issues as smoking in public places, healthy living or lead-free petrol. Lastly, he asked what approach the Government took to the treatment of drug addiction. He wondered whether it had adopted the European approach, whereby drug addicts were treated as patients rather than criminals.

42. **Mr. Schrijver** said that he wished to know about the status of the victims of terrorist acts. There had reportedly been many instances of such people being compelled to leave their homes, without government assistance for resettlement or rehabilitation. They suffered from social exclusion and unemployment, in addition to the original trauma that they had experienced. He requested the delegation to comment on those reports.

43. **Mr. Zhan Daode** said that, in paragraphs 96 and 97 of Algeria's periodic report, it was stated that housing had been a priority since 1999 and that between 1999 and 2004 there had been a special programme to build 810,000 housing units, which had alleviated the housing crisis. He wondered what the current situation was given that six years had elapsed.

44. **Mr. Atangana** wished to know what the legal status was of children born out of wedlock. Secondly, it was his understanding that the registration of births was not identical throughout the country and he wondered what the procedure was for nomadic parents engaged in a pastoral way of life. Thirdly, question 29 on the Committee's list of issues had requested statistical data on battered or abused women or children expelled from their homes. Algeria had provided information on battered women, which was disturbing in itself, but none on children who had been forced to leave home and live in the street. Lastly, he asked what the outcome had been of cases of violence that had been prosecuted. He wondered whether there had been any convictions and what the effect of such prosecutions had been.

45. **Ms. Bras Gomes** said that, according to her understanding, people got into economic difficulties because they had to pay inflated medical fees charged by doctors. She understood that the relevant legislation had not been revised for a long time, so the reimbursements made were insufficient. She noted that the information campaign to help homeless women had clearly not been successful, since the number living on the street was still disproportionately high. She also noted that the clientele of women's centres was increasingly young and she asked what could be done to persuade families to provide women with more opportunities. She asked about the *kafalah* system, which worked well in many countries, although some people were of the view that it was not good for children. She wondered whether any studies had been carried out in that regard. Lastly, she asked about child labour and, specifically, what action was being taken to raise awareness among families that might feel that they had little choice but to put their children to work. She asked whether there were any plans to provide families with alternative options.

46. **Mr. Jazaïry** (Algeria) said that, where housing was concerned, everything was relative. One member of the Committee had said that a housing unit should not accommodate more than three people, but Algeria was a developing country with a fast-growing population. To have an occupancy rate of 4.9 was therefore acceptable. As for the question of statistics, he apologized that they were not always available: some progress had been made, but the Government would strive to improve the situation.

47. **Ms. Brouri** (Algeria) said that, according to the World Bank, the requirement of water per person per year was 1,000 cubic metres. Algeria could supply only 600 cubic metres per person. The Government had, however, improved various aspects of the water situation. The proportion of people linked to public water networks had risen from 78 per cent in 1999 to 85 per cent in 2009. The amount of water available per person had doubled between 1999 and 2009. The improvements had been achieved by the use of dams and pipelines and by a policy of improving performance in the capital and in large towns by using international operators. Similarly, access to sanitation had risen from 72 per cent in 1999 to 86 per cent in 2009. Treatment capacity had risen from 90,000 cubic metres to 650,000 cubic metres over the same period.

48. An important study had been carried out, with support from the European Union, to make an audit of existing water resources and an assessment of needs and options, which would be a useful tool for decision-making. Lastly, she noted that the Water Act provided that a national water plan should be drawn up every 20 years and updated every 5 years.

49. **Ms. Kies** (Algeria) said that the Government was making every effort to meet the demand for more housing. Its strategy for 2004–2009 had provided 1.45 million housing units and since then a further 650,000 had been added including 270,000 to replace precarious housing. With regard to the occupancy rate, she wished to add that, for a fair assessment, the occupancy rate must be correlated with population growth. In 1998, there had been 5 million housing units, as against the current total of 6,990,000. Thus, even with a rise in the population from 29.1 million in 1998 to 34 million in 2008, the occupancy rate had dropped from 5.4 to 4.9 persons per housing unit.

50. With regard to the eradication of precarious housing, the fact was that, contrary to the assertion by one member of the Committee, there were 561,000 precarious housing units. There was, however, some question as to how the term “precarious” should be defined: some 200,000 “precarious” houses were built of brick, 100,000 out of other strong materials and the rest out of poor quality earth.

51. The State was working hard to provide enough housing stock. Another 100,000 more rental units were planned for the quinquennium 2010–2014. Work was also under way to refurbish 180,000 existing units that were categorized as unfit or precarious.

52. In the southern region, maximum compensation of 7,000 dinars was paid for the loss of a housing unit, or else the residents were rehoused. She emphasized that no evictions were carried out. The allocation mechanism for rehousing was set out in Executive Decree No. 08242, which defined public rental housing, financed by the State and the local community, for disadvantaged sectors of the population living in precarious conditions. There were strict eligibility criteria under the decree.

*The meeting rose at 1 p.m.*